

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

CHRISTOPHER AND MONA AYRES,
Individually and as Next Friends
of Jane Doe, a Minor

V.

TEXAS CITY INDEPENDENT SCHOOL
DISTRICT and BOBBY KOHN

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CIVIL ACTION NO. G-04-506


ORDER

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, filed in the above-styled and numbered cause on June 22, 2005. The Magistrate Judge recommended that TCISD's Motion for Summary Judgment be granted as to the "special relationship" claim, only, and denied with regard to Plaintiffs' other claims.

Having reviewed the report of the United States Magistrate Judge, and having made a *de novo* review of the objections of Defendants TCISD and Bobby Kohn and the Plaintiffs' response to Defendants' objections, the Court finds that questions of fact remain with respect to claims of deliberate indifference toward the constitutional rights of Jane Doe.

It is, therefore, **ORDERED** that the Report and Recommendation of the United States Magistrate Judge is **ACCEPTED** in its entirety and incorporated by reference, herein. It is further **ORDERED** that Defendant's Motion for Summary Judgment is **GRANTED** regarding Plaintiffs' "special relationship" claim and **DENIED** regarding all other claims.

DONE at Galveston, Texas, this the 16th day of September, 2005.


Samuel B. Kent
United States District Judge